



**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
ENFORCEMENT DIVISION
*DIRECTIVE***

**DIRECTIVE
NUMBER
221**

**DISTRIBUTION
DATE
October 1, 1998**

1. **SUBJECT: COMPLAINTS AGAINST LICENSING BOARDS**
2. **PURPOSE:** To set forth the procedures to be followed on complaints that allege discriminatory practices by licensing boards.
3. **BACKGROUND:** The Fair Employment and Housing Act (FEHA), Government Code section 12944, prohibits discrimination by any State board, agency, or authority in the State and Consumer Services Agency which has the authority to grant licenses or certificates which are prerequisites to employment eligibility or professional status. The Department of Fair Employment and Housing (DFEH) can accept complaints against licensing boards where discrimination is alleged based on race, creed, color, national origin or ancestry, sex, age, medical condition, physical disability or mental disability unless such practice can be demonstrated to be job related. **(Note that marital status is not included.)**
4. **PROCEDURES:**
 - A. **Jurisdiction:**
 - 1) A number of licensing boards fall within the jurisdiction of the Department (refer to Attachment 1 - "Department of Consumer Affairs, State Licensing Boards). This list should be reviewed prior to taking any complaint involving a licensing board to ensure that the Department has jurisdiction over the matter.
 - 2) In order for a complaint involving a licensing board to be jurisdictional, the complainant must identify one of the bases listed in Section 3 above and allege that a licensing qualification or examination has an adverse impact on a class to which the complainant belongs.
 - 3) For the complaint to be timely, it must be filed within one year from the date of the alleged violation (e.g., the date a candidate receives the notice of results of the examination).

B. Complaints Accepted:

- 1) Two types of complaints are appropriate for acceptance.
 - a) Those alleging that a written or oral examination, or qualifications prerequisite to the examination, adversely impacted a protected group; or
 - b) Those alleging that factors other than the examination have an adverse effect (e.g., physical ability to gain access to the exam facility or hear the proctor, failure to provide reasonable accommodation).
- 2) Complaints will be drafted in the normal manner including allegations of harm and differential treatment of the complainant **and** the addition of language regarding the complainant being ***a member of*** a protected class. (Refer to Attachment 2 - "Sample Complaint Against A Licensing Board").

C. Filing of Complaints:

- 1) In that all licensing boards are located in Sacramento, complaints against licensing boards **are to be registered in the Sacramento District Office**. Intake interviews, however, will be conducted by the office contacted by a prospective complainant. The office of origin will process the complaint pursuant to the procedures outlined in Directive 230, "Complaints Registered Outside Office Where Filed."
- 2) After being registered in the Sacramento District Office, the complaint will be served with the short service letter (DFEH-200-05) and dual filed with the U.S. Equal Employment Opportunity Commission (EEOC), if applicable.

D. Investigation of Complaint:

After registration and service of the complaint, the case will be forwarded to the Special Investigation Unit (SIU) for investigation. The SIU Administrator will determine the investigation strategy. The Chief Counsel will be advised in writing of the proposed investigative strategy relative to the case within thirty (30) days of the filing of the complaint.

E. Class Action Complaints:

The response will be analyzed by the Consultant and the SIU Administrator, in conjunction with the assigned attorney when it appears that the complaint should be investigated as a class action complaint. The case will be handled in accordance with the instructions in Directive 226, "Class Action Complaints."

5. APPROVAL:

Nancy C. Gutierrez, Director

Date

DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA STATE BOARDS

Acupuncture Examining Committee
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2680

Athletic Commission
1420 Howe Avenue, Suite 6
Sacramento, CA 95825
(916) 263-2195

Board of Accountancy
2000 Evergreen Street, Suite 240
Sacramento, CA 95815
(916) 263-3680

Board of Architectural Examiners
400 R Street, Suite 4000
Sacramento, CA 95814
(916) 445-3394

Board of Barbering and Cosmetology
400 R Street, Suite 4080
Sacramento, CA 95814
(916) 327-6250

Board of Behavioral Science
Examiners
400 R Street, Suite 3150
Sacramento, CA 95814
(916) 445-4933

Board of Court Reporters
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
(916) 263-3660

Board of Dental Examiners
1432 Howe Avenue, Suite 85
Sacramento, CA 95825
(916) 263-2300

Bureau of Cemetery/Funerals
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 322-7737

Board of Geologists/Geophysicists
2535 Capitol Oaks Drive, Suite 300A
Sacramento, CA 95835
(916) 263-2113

Board of Guide Dogs for the Blind
830 K Street, Room 222
Sacramento, CA 95814
(916) 445-9041

Board of Landscape Architects
400 R Street, Suite 4020
Sacramento, CA 95814
(916) 445-4954

Board of Nursing Home Administrators
1420 Howe Avenue, Suite 2
Sacramento, CA 95825
(916) 263-2685

Board of Optometry
400 R Street, Suite 1070
Sacramento, CA 95815
(916) 445-8663

Board of Pharmacy
400 R Street, Suite 4070
Sacramento, CA 95814

(916) 324-2302

Board of Podiatric Medicine
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2647

Board of Psychology
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2696

Board of Registration for Professional
Engineers and Land Surveyors
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2230

Board of Registered Nurses
400 R Street, Suite 4030
Sacramento, CA 95814
(916) 322-3350

Board of Vocational Nurses and
Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
(916) 263-7800

Bureau of Automotive Repairs
(Dept. of Consumer Affairs)
400 R Street, Suite 3000
Sacramento, CA 95814
(916) 445-7964

Bureau of Electronic/Appliance Repair
(Dept. of Consumer Affairs)
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 445-4752

Bureau of Home Furnishing
(Dept. of Consumer Affairs)
400 R street, Suite 3040
Sacramento, CA 95814

(916) 323-1448

Bureau of Security and Investigative
Services
(Dept. of Consumer Affairs)
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 322-7530

Committee on Dental Auxiliaries
1428 Howe Avenue, Suite 58
Sacramento, CA 95825
(916) 263-2595

Contractors' State Licensing Board
9835 Goethe Road
Sacramento, CA 95827
(916) 255-3985

Hearing Aid Dispenser Examining
Committee
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2288

Medical Board of California
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2685

Physical Therapy Examining
Committee
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2550

Physicians' Assistant Examining
Committee
1426 Howe Avenue
Sacramento, CA 95825
(916) 263-2670

Respiratory Care Board

1426 Howe Avenue
Sacramento, CA 95825
Speech and Language Pathology and
Audiology Examining Committee
1426 Howe Avenue
Sacramento, CA 95826
(916) 263-2666

(916) 263-2626

Smog Check Program
(Dept. of Consumer Affairs)
400 R Street, Suite 3000
Sacramento, CA 95814
(916) 445-7964

Structural Pest Control Board
1422 Howe Avenue
Sacramento, CA 95825
(916) 263-2540

Tax Preparer Program
(Dept. of Consumer Affairs)
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 323-1448

Veterinary Medical Board
1420 Howe Avenue, Suite 6
Sacramento, CA 95825
(916) 263-2610

SAMPLE COMPLAINT AGAINST A LICENSING BOARD

- I. On 12/1/97, I completed an examination for the CA Board of Podiatric Medicine. On 1/1/98, I was notified that I had failed the examination.
- II. In a letter dated 1/1/98 signed by Sue Incharge, Examiner, I was advised that I had failed to meet the minimum qualifying score.
- III. I believe that I failed the examination due to my race, African-American, and because of my membership in a class of people who are African-American. My belief is based upon the following:
 - A. On 12/1/97, I completed an examination for the CA Board of Podiatric Medicine. On 1/1/98, I was notified by letter that I had failed to meet the minimal qualifying score.
 - B. I am well qualified for licensure by the Board of Podiatric Medicine and have easily attained the minimum qualifying score on other licensing examinations for Podiatric Medicine.
 - C. I believe that the examination questions are racially biased and have an adverse impact on African-Americans in obtaining their Podiatric license.